



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Robert M. Brustowicz
Serial No. : 10/606,554
Filed : June 26, 2003
For : "ON-DEMAND NEEDLE RETAINING AND LOCKING
MECHANISM FOR USE IN INTRAVENOUS
CATHETER ASSEMBLIES"
Examiners : Melissa A. McCorkle, Nicholas Lucchesi &
Cris Rodriguez
Group Art Unit : 3763
Attorney's Docket No. : CHD-006

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on JUNE 21, 2007.

Attorney for applicant:

David Prashker

Signature:

David Prashker

Date:

June 21, 2007

RESPONSE SUBMITTED PURSUANT TO 37 C.F.R. 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In substantive response to the most recently received (non-final)
Official Action mailed January 25th, 2007, as extended through June 25th,

2007, for the above-identified application, applicant hereby amends the above-identified application as follows:

In the claims

Concerning the status of the claims ever presented in the instant application:

Amend independent claims 9 and 10 respectively as recited hereinafter; and

Retain dependent pending claim 6 as previously presented.

In addition, in view of the explicit holdings of law rendered by the U.S. Supreme Court in the *Festo* case [*Festo Corp. v. Shoketsu Kinzoku Kabushiki Co. Ltd. et al.*, 62 USPQ2d 1705 (2002)] concerning the applicability of the legal doctrine of equivalents to amended claim language, applicant now presents a formal attestation and affirmation of the legal position and substantive rights: Applicant does not now surrender for any reason, nor has previously surrendered at any time or for any reason during the prosecution of the instant application, any inventive subject matter which is or could be expected to be a particular equivalent of the invention defined by the language of the amended claims then pending as understood by a person of ordinary skill in this art; and that no presumption of estoppel,

either in law or equity, exists or pertains now or at any time previously as a potential bar to the full application of the doctrine of equivalence for any and all possible embodiments which may be found to be encompassed now or in the future by the language of the amended claims proffered now or at any time previously for substantive examination and review by the U.S. Patent Office. Accordingly, applicant hereby affirmatively rebuts and explicitly disputes any presumption that the doctrine of equivalents for the language of the amended claims has been surrendered or is not in full force for any reason now and at any time during the prosecution on the merits of any and all claims defining the invention of the instant application.

Also, in accordance with the currently revised amendment practice (compulsory as of July 30th, 2003), applicant now presents a listing of all the claims, in ascending numerical order, which were ever submitted for review; provides an identification of the presently cancelled or withdrawn claims (if any) which were ever submitted; and offers for review the full text of those currently amended or original claims now pending in the instant application. The listing of all claims ever presented and the full text of the presently pending claims begins on the immediately following page.